

ORIGINAL

MEMORANDUM ENDORSEMENT

FTC, et al. v. Quincy Bioscience Holding Co., Inc., et al.
17 Civ. 00124 (LLS)

The application for a stay is denied. A jury found that all eight challenged statements were not supported by the competent and reliable scientific evidence which Quincy claimed for them. Although six of the statements were not materially misleading, all were unsupported, and all had a capacity or tendency to deceive.

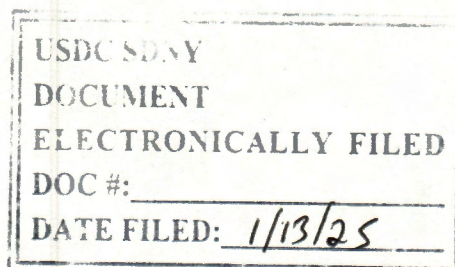
The Court acknowledged Quincy's generally beneficial motives in withholding financial penalties for Quincy's infringement of the Federal Trade Commission Act and New York General Business Laws, but it sees no merit in allowing that deceptive conduct to continue.

So ordered.

Dated: New York, New York
January 13, 2025

Louis L. Stanton

LOUIS L. STANTON
U.S.D.J.



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FEDERAL TRADE COMMISSION; and
THE PEOPLE OF THE STATE OF NEW
YORK, by LETITIA JAMES, Attorney
General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING
COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited
liability company;

PREVAGEN, INC., a corporation
d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE
MANUFACTURING, LLC, a limited
liability company; and

MARK UNDERWOOD, individually and as
an officer of QUINCY BIOSCIENCE
HOLDING COMPANY, INC., QUINCY
BIOSCIENCE, LLC, and PREVAGEN,
INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

MEMO ENDORSED

**NOTICE OF DEFENDANTS' EMERGENCY
MOTION FOR A PARTIAL STAY PENDING APPEAL**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of Glenn T. Graham and all exhibits thereto, and all of the pleadings and proceedings heretofore filed and had herein, Defendants Quincy Bioscience Holding Company, Inc.; Quincy Bioscience, LLC; Prevagen, Inc.; Quincy Bioscience Manufacturing, LLC (collectively "Quincy") and Mark Underwood (collectively, with Quincy, "Defendants"), by and through their undersigned attorneys, hereby move this Court for an emergency Order partially staying this Court's Memorandum and Judgment dated November 18, 2024 (Dkt. No. 513), as clarified by this Court's

December 6, 2024 Order (Dkt. No. 524), pending appeal to the United States Court of Appeals for the Second Circuit, along with such other and further relief as this Court may consider just and proper.

Dated: December 19, 2024

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